

SMITH LILLIS PITHA LLP

Martin L. Pitha (State Bar No. 192447)
18201 Von Karman Avenue, Suite 1080
Irvine, California 92612
Telephone: (949) 209-9020
Facsimile: (949) 759-1845
Email: mpitha@slplawfirm.com

SMITH LILLIS PITHA LLP

James Smith (State Bar No. 190050)
115 Sansome Street, Suite 1005
San Francisco, California 94104
Telephone: (415) 814-0404
Facsimile: (415) 217-7011
Email: jsmith@slplawfirm.com

FULBRIGHT & JAWORSKI L.L.P.

Gerard G. Pecht [*pro hac vice application to be filed*]
Brian C. Boyle, *admitted pro hac vice*
Lauren W. Varnado *admitted pro hac vice*
Fulbright Tower
1301 McKinney, Suite 5100
Houston, Texas 77010
Telephone: (713) 651-5151
Facsimile: (713) 651-5246
Email: gpecht@fulbright.com
bboyle@fulbright.com
lvarnado@fulbright.com

Attorneys for Defendant and Counter-Claimant K2 PURE
SOLUTIONS, LP and Defendants K2 PURE SOLUTIONS
NOCAL, L.P. and K2 PURE SOLUTIONS PITTSBURG, LP.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IMTIAZ KHAN, an individual, TIM
MORRIS, an individual, RICK SEISINGER,
an individual, and NEELESH SHAH, an
individual,

Plaintiffs,

vs.

K2 PURE SOLUTIONS, LP, a Delaware
limited partnership, K2 PURE SOLUTIONS
NOCAL, L.P., a Delaware limited
partnership, K2 PURE SOLUTIONS
PITTSBURG, L.P., a Delaware limited
partnership, and DOES 1 through 10

Defendants.

Case No. 3:12-CV-12-05526-WHO

**STIPULATION AND ORDER
LIMITING DISCOVERY PENDING
RULING ON DEFENDANTS'
PENDING MOTIONS**

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3 Plaintiffs Imtiaz Khan, Tim Morris, Rick Seisinger, and Neelesh Shah (collectively,
4 “Plaintiffs”), and Defendants K2 Pure Solutions, L.P., K2 Pure Solutions Nocal, L.P., and K2
5 Pure Solutions Pittsburg, L.P. (collectively, “K2” or “Defendants”) hereby stipulate and agree:

6 1. As of the date of the filing of this Stipulation and Proposed Order through the date
7 of the hearing on Defendants’ Motion to Dismiss Causes of Action 3, 5, 6, 7, and 8 of Plaintiffs’
8 Third Amended Complaint and Motion to Strike Pursuant to FRCP 12(f) (Ct. Dkt. No. 73)
9 (“Defendants’ Motion to Dismiss”) and Motion for Reconsideration of the Court’s Order
10 Granting Summary Judgment on Ninth Cause of Action (Ct. Dkt. No. 78) set on November 27,
11 2013, the parties agree to limit discovery to the following topics: (1) jurisdictional issues; (2)
12 Plaintiffs’ claim for waiting time penalties; and (3) K2’s counterclaim for overpaid vacation
13 against Timothy Morris and Imtiaz Khan. The parties agree that all responses to outstanding
14 written discovery propounded by Plaintiffs which relate to claims not disposed of by Defendants’
15 Motion to Dismiss will be due by no later than Friday, December 13, 2013 by electronic service.
16 The parties further agree that all responses to outstanding written discovery propounded by
17 Defendants which relate to claims not disposed of by Defendants’ Motion to Dismiss will be due
18 by no later than Friday, December 27, 2013 by electronic service.

19 2. The parties agree to an extension of the existing December 6, 2013 discovery cut-
20 off deadline and respectfully request that the Court enter the parties’ proposed order continuing
21 the existing discovery cut-off deadline to Friday, February 28, 2014. In the event the existing
22 discovery cut-off date is not continued by this Court, the parties reserve the right to amend the
23 due dates of the responses referenced in Paragraph (1) above.

24 3. The parties further agree that it will be unnecessary to identify or assert any
25 attorney-client privilege or work product protection with regard to (1) privileged documents
26 prepared after September 15, 2012 by or at the direction of legal counsel related to this litigation
27 or related litigation; (2) any correspondence sent after September 15, 2012 between an attorney
28 and his/her client or among attorneys jointly representing a client in this litigation or related

litigation. For purposes of this stipulation, related litigation includes the cases styled *K2 Pure Solutions, LP v. Imtiaz Khan and Neelesh Shah*, Civ. No. 5:12-CV-02558, in the United States District Court for the Northern District of Ohio, and *K2 Pure Solutions, LP v. Molycorp Inc., Molycorp Minerals, LLC, Timothy M. Morris, and Richard J. Seisinger*, Case No. A-12-670067-B, in the District Court of Clark County, Nevada. Except to the foregoing documents and communications, the parties agree that this agreement does not relieve either party of the requirement to timely assert the attorney-client privilege, work product doctrine or any other applicable objections in responses to written discovery or at deposition in order to preserve such objections.

IT IS SO STIPULATED.

Dated: November 8, 2013

VALDEZ TODD & DOYLE LLP

Troy A. Valdez

/s/ Sheila A. Khan-Variba

By _____

Sheila A. Khan-Variba

Attorneys for Plaintiffs

Imtiaz Khan, Tim Morris, Rick Seisinger, and
Neelesh Shah

Dated: November 8, 2013

SMITH LILLIS PITHA LLP

Martin L. Pitha

/s/ Martin L. Pitha

By _____

Martin L. Pitha

Attorneys for Defendants

Dated: November 8, 2013

FULBRIGHT & JAWORSKI L.L.P.

Gerard G. Pecht [*pro hac vice* application to be filed]

Brian C. Boyle, admitted *pro hac vice*

Lauren W. Varnado [*pro hac vice* application to be
filed]

/s/ Brian C. Boyle
By _____
BRIAN C. BOYLE
Attorneys for Defendants

ORDER

Upon consideration of the foregoing Stipulation, **PURSUANT TO STIPULATION, IT IS SO ORDERED, as modified**, that:

(1) As of the date of the filing of this Stipulation through the November 27, 2013, hearing date, the parties' discovery shall be limited to issues related to: (1) jurisdictional issues; (2) Plaintiffs' claim for waiting time penalties; and (3) Defendants' counterclaim for overpaid vacation;

(2) All responses to outstanding written discovery propounded by Plaintiffs which relate to claims not disposed of by Defendants' Motion to Dismiss will be due by no later than Friday, December 13, 2013, by electronic service. All responses to outstanding written discovery propounded by Defendants which relate to claims not disposed of by Defendants' Motion to Dismiss will be due by no later than Friday, December 27, 2013, by electronic service.

(3) **The Court will hold a further Case Management Conference at the conclusion of the hearing on November 27, 2013, to discuss the case schedule.** The existing December 6, 2013, discovery cut-off deadline will be extended at that time once it is clear to the Court how much discovery remains and clear to the parties what impact any necessary extension would have on the trial date.

Dated: November 14, 2013



William H. Orrick
United States District Court Judge